

REMARKS

Claims 116 is pending in this application.

Claims 1-115, 117 and 118 have been canceled without prejudice.

Claim 116 has been amended to replace the word "level" with the word "presence".

No new matter is added by this amendment.

Claim 116 has been rejected under the second paragraph of 35 U.S.C. §112 as being indefinite because the phrase "the level of a nucleic acid" does not have proper antecedent basis. Since this phrase has been replaced by "the presence of a nucleic acid", this rejection is no longer applicable.

Claims 116 and 118 were also rejected under the first paragraph of 35 U.S.C. §112 as allegedly failing to comply with the enablement requirement. The Office Action acknowledges that the present application is enabling for method for diagnosing melanoma in a patient, the method comprising detecting the presence of a nucleic acid comprising the nucleic acid of SEQ ID NO: 1 in a skin sample from the patient, but is not enabling for detecting any level of SEQ ID NO: 1. In response, claim 116 has been amended to replace the word "level" with the word "presence".

The Office Action also alleges that the application is not enabling for the method of claim 118 relating to determining regression, course, or onset of melanoma. Applicants disagree with this assessment, since diagnosis encompasses *inter alia* determining regression, course, and onset; however, in the interest of expediting further prosecution of this application, claim 118 has been canceled.

Applicants request withdrawal of the rejections, allowance of claim 116, and early passage of the application to issue.

Respectfully submitted,

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By /Robert J. Ross/

Robert J. Ross (Reg. No. 45,058)

OLSON & CEPURITIS, LTD.
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
(312) 580-1180